

In re: Thomas Boucino
Serial No.: 09/591,349
Filed: June 9, 2000
Page 3 of 7

E4

a spacer extending within said cable jacket, the spacer having a longitudinally extending center portion and plurality of longitudinally extending wall portions radiating from said center portion such that the cross-section of the spacer is radially symmetric, the longitudinally extending wall portions having a convex shaped cross-section, the spacer and the cable jacket defining a plurality of compartments within the cable jacket; and
a twisted pair of insulated conductors disposed in at least one of the compartments.

I. Status of the Claims

The Action states that Claims 5-8 are allowable. The Action rejects Claims 9-13, 16, 17, 25, 26, 40 and 41 under either Section 102(e) based on U.S. Patent No. 6,297,454 to Gareis (Gareis) or Section 103(a) based on Gareis in view of U.S. Patent No. 5,969,295 to Boucino et al. (Boucino).

II. Response to Examiner's Position in the Action

In the Action, the Examiner acknowledges Applicant's arguments filed in a response dated March 11, 2003, but deems them to be unpersuasive. Each of the rejected claims recited that the wall portions of the spacer extend "axisymmetrically" from the center portion (more specifically, this recitation was set forth in independent Claims 9, 13, 25 and 40). The Action states:

As shown in Figures 1-3 of Gareis, the spacer 21 is configured with axisymmetrically [sic] wall portions. Although the general cross-section of the spacer is an oblong, it has a central axis, and the wall portions are symmetrical about the central axis.

The Action at paragraph 7.

Applicant respectfully disagrees with the characterization in the Action that the Gareis spacer **21** is axisymmetric, inasmuch as the term "axisymmetric" is defined as "having symmetry around an axis." The American Heritage College Dictionary, 3rd ed. (Houghton Mifflin 1997). The Action concedes that the central portion of the Gareis spacer is "an oblong", which by definition cannot be "axisymmetric." Nevertheless, in the interest of

In re: Thomas Boucino
Serial No.: 09/591,349
Filed: June 9, 2000
Page 4 of 7

expediting prosecution of this application, Applicant has amended Claims 9, 13, 25 and 40 above to remove the term "axisymmetric" and to recite instead that the spacer has a cross-section that is "radially symmetric." As defined in the American Heritage College Dictionary, the term "radially symmetric" means "symmetrical arrangement of constituents, esp. of radiating parts, about a central point." This arrangement is exemplified in **Figures 3** and **4** of the present application, in which wall portions **132-138** and **232-238** are clearly radially symmetric about respective central points in center portions **130, 230**.

Gareis simply does not have a radially symmetric arrangement. As the Action notes, the "central portion" of the Gareis spacer **21** is oblong, which renders radial symmetry impossible. Moreover, the arms of the Gareis spacer not only originate from positions on the oblong central portion that are not radially symmetric about a central point in the central portion, but they also do not extend at the same angle from their origination points (for example, the arm labeled "**27**" extends along an imaginary line that would pass above the central point of the central portion, whereas the arm labeled "**26**" extends along an imaginary line that would pass below the central point of the central portion). As such, it is clear that the Gareis spacer does not have a radially symmetric cross-section. Accordingly, the rejections under Section 102(e) must be withdrawn.

Regarding the rejections under Section 103(a), Boucino is cited for a cable having a spacer with a helical configuration. This citation fails to overcome the deficiency in Gareis noted above. As such, Applicant submits that the rejections under Section 103(a) must also be withdrawn.¹

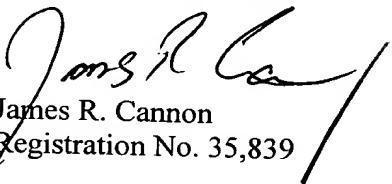
¹ Applicant also incorporates herein arguments made in Applicant's paper dated 11 March 2003 and respectfully suggests that they be considered also.

In re: Thomas Boucino
Serial No.: 09/591,349
Filed: June 9, 2000
Page 5 of 7

III. Conclusion

Inasmuch as the outstanding issues raised in the Action have been addressed, Applicant respectfully requests that the present application be passed to allowance and issue.

Respectfully submitted,


James R. Cannon
Registration No. 35,839

Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 26, 2003.



Date of Signature: June 26, 2003

Version Marked to Indicate Changes

9. (twice amended) A communications cable comprising:
a cable jacket;
a spacer extending within the cable jacket, the spacer having a longitudinally extending center portion and plurality of longitudinally extending wall portions radiating [axisymmetrically] from the center portion such that the cross-section of the spacer is radially symmetric, the longitudinally extending wall portions decreasing in thickness over only a portion thereof from the center portion to the cable jacket, the spacer and the cable jacket defining a plurality of compartments within the cable jacket; and
a twisted pair of insulated conductors disposed in one of the plurality of compartments.

13. (four times amended) A communications cable comprising:
a cable jacket;
a spacer extending within said cable jacket, the spacer being formed of and having an outer surface of a polymeric material and having a longitudinally extending center portion and plurality of longitudinally extending wall portions radiating [axisymmetrically] from said center portion such that the cross-section of the spacer is radially symmetric, the longitudinally extending wall portions having a first radial section that increases in thickness with distance from the center portion and a second radial section that decreases in thickness with distance from the center portion, the spacer and the cable jacket defining a plurality of compartments within the cable jacket; and
a twisted pair of insulated conductors disposed in at least one of the compartments.

25. (four times amended) A communications cable comprising:
a cable jacket;
a spacer extending within said cable jacket, the spacer being formed of a polymeric material and having a longitudinally extending center portion and plurality of longitudinally extending wall portions radiating [axisymmetrically] from said center portion such that the

cross-section of the spacer is radially symmetric, the longitudinally extending wall portions including a first section having a first thickness, a second section having a second thickness and a third section having a third thickness, the third thickness being different from the first and second thickness, the third section located between the first section and the second section, the spacer and the cable jacket defining a plurality of compartments within the cable jacket; and

a twisted pair of insulated conductors disposed in at least one of the compartments.

40. (twice amended) A communications cable comprising:
a cable jacket;

a spacer extending within said cable jacket, the spacer having a longitudinally extending center portion and plurality of longitudinally extending wall portions radiating [axisymmetrically] from said center portion such that the cross-section of the spacer is radially symmetric, the longitudinally extending wall portions having a convex shaped cross-section, the spacer and the cable jacket defining a plurality of compartments within the cable jacket; and

a twisted pair of insulated conductors disposed in at least one of the compartments.